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BANNER & WITCOFF, LTD.
1001 G STREET, N.W.
WASHINGTON DC 20001-4597

In re Application of: BARCHI, et al.
Application No. 09/921,015
Attorney Docket No.: 006004.00013
Filed: August 1, 2001
For: ATTRIBUTE RULE ENFORCER FOR A
DIRECTORY

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT
UNDER 37 CFR §1.181

This is a decision on the petition, filed October 15, 2004, requesting the Withdrawal of the Holding of Abandonment of the above-identified application, which has been treated as a petition under 37 CFR §1.181. This application was held abandoned for failure to file a timely response to the Office Action mailed on February 9, 2004. A Notice of Abandonment was mailed September 23, 2004.

The petition is **GRANTED**.

In support of the petition, Petitioner provides a copy of: (a) the Request for Reconsideration, filed in response to the Office action of mail date February 9, 2004, which includes a Certificate of Mailing by "Express Mail" signed by Thomas Evans dated May 10, 2004; and (b) a copy of the Express Mail Post Office to Addressee, and a copy of the return postcard identifying the paper(s) filed showing the USPTO receipt stamp, both dated May 10, 2004.

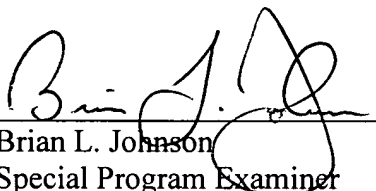
M.P.E.P. § 503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Upon inspecting records on file for the application, it is acknowledged that a Response by Applicants, a Request for Reconsideration, was received by USPTO on May 10, 2004. Therefore, the record is clear that the application was not abandoned in fact and a Notice of Abandonment should not have been issued. Due to massive migration from paper file wrappers to Image File Wrapper (IFW) in the Technology Center during the period when Applicants' response was filed, potential delays could happen such that communications from Applicants may not have been matched and recorded to the electronic file wrappers in a timely manner. Thus, decisions regarding the timeliness of Applicants' filing of a proper reply could have been inaccurately made based on the delays. The Office regrets any inconveniences this may have caused the Applicants.

Accordingly, the petition is **GRANTED**. The Notice of Abandonment is **VACATED**.

The application file is being forwarded to the technical support staff to **WITHDRAW** the holding of abandonment, and for processing of the response filed May 10, 2004. The file will be forwarded to the examiner for consideration of the response.

 5/5/05

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